

HONORABLE RICHARD A JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CURTIS ROOKAIRD,

Plaintiff,

v.

BNSF RAILWAY COMPANY,  
a Delaware Corporation,

Defendant

Court File No.: 14-CV000176-RAJ

**PLAINTIFF'S EMERGENCY  
MOTION FOR STATUS  
CONFERENCE**

**Noted on Motion Calendar:  
July 14, 2021**

Plaintiff Curtis Rookaird respectfully moves the Court for an emergency status conference, as set forth in the accompanying Declaration of William G. Jungbauer. Plaintiff's health has continued to decline, and he is currently receiving home hospice care. Counsel would like to discuss the status of the matter and how the Plaintiff's health may impact issues moving forward to trial, including the possible need for a dying declaration or deposition in lieu of Plaintiff's live testimony at trial.

Rookaird's counsel also requests an Order of the Court ordering the parties to participate in a final settlement conference with a federal magistrate before trial.

Rookaird's counsel has contacted counsel for BNSF Railway to discuss these matters before filing this motion. At this time, BNSF opposes the motion.

Respectfully Submitted,

Dated: July 14, 2021

YAEGER & JUNGBAUER BARRISTERS, PLC

By: /s/ William G. Jungbauer

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*Attorneys for Plaintiff Curtis Rookaird*

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the State of Washington, the State of Minnesota, and the United States of America that on July 14, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following counsel for defendant BNSF Railway Company:

Mr. Timothy D. Wackerbarth  
Mr. Andrew Yates  
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DATED this 14th day of July 2021, at St. Paul, Minnesota.

By: /s/ William G. Jungbauer  
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